

106TH CONGRESS
2D SESSION

H. R. 5507

To amend the Federal Election Campaign Act of 1971 to promote the disclosure of information on the financing of campaigns for Federal elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2000

Mr. KASICH introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Election Campaign Act of 1971 to promote the disclosure of information on the financing of campaigns for Federal elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Informed Voter Act
5 of 2000”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds as follows:

1 (1) No aspect of the regulation of the financing
2 of political campaigns has engendered such wide-
3 spread support as the public disclosure of the money
4 raised and spent to influence Federal elections.

5 (2) The timely disclosure of all monies raised
6 and spent to influence Federal elections is the least
7 restrictive means of furthering the substantial gov-
8 ernment interest of informing the electorate and pre-
9 venting corruption and the appearance of corruption.

10 (3) During 1996 and subsequent election years,
11 hundreds of millions of dollars which were never re-
12 quired to be disclosed are estimated to have been
13 spent to influence Federal elections.

14 (4) The growing popularity of methods to influ-
15 ence Federal elections outside of the framework of
16 the Federal Election Campaign Act of 1971 has in-
17 creasingly threatened to undermine the Act's pre-
18 eminent goal of ensuring that the public is able to
19 track the flow of money raised and spent in the po-
20 litical process.

21 (b) PURPOSE.—It is the purpose of this Act to bring
22 into the openness of public visibility in a full and timely
23 manner all financial activities carried out by interest
24 groups, political parties, candidates, and elected officials

1 which are aimed at directly or indirectly influencing Fed-
2 eral elections.

3 **SEC. 3. DISCLOSURE OF ELECTIONEERING COMMUNICA-**
4 **TIONS.**

5 Section 304 of the Federal Election Campaign Act
6 of 1971 (2 U.S.C. 434) is amended by adding at the end
7 the following new subsection:

8 “(d) ADDITIONAL STATEMENTS ON ELECTION-
9 EERING COMMUNICATIONS.—

10 “(1) STATEMENT REQUIRED.—Each person
11 who makes a disbursement for electioneering com-
12 munications in an aggregate amount in excess of
13 \$10,000 during any calendar year shall, within 24
14 hours of each disclosure date, file with the Commis-
15 sion a statement containing the information de-
16 scribed in paragraph (2).

17 “(2) CONTENTS OF STATEMENT.—Each state-
18 ment required to be filed under this subsection shall
19 be made under penalty of perjury and shall contain
20 the following information:

21 “(A) The identification of the person mak-
22 ing the disbursement, of any entity sharing or
23 exercising direction or control over the activities
24 of such person, and of the custodian of the

1 books and accounts of the person making the
2 disbursement.

3 “(B) The State of incorporation and the
4 principal place of business of the person making
5 the disbursement.

6 “(C) The elections to which the election-
7 eering communications pertain and the names
8 (if known) of the candidates identified or to be
9 identified.

10 “(D) The amount of each disbursement
11 equal to or greater than \$500 made during the
12 period covered by the statement and the identi-
13 fication of the person to whom the disburse-
14 ment was made.

15 “(E) If the disbursements were paid out of
16 a segregated account to which only individuals
17 could contribute, the names and addresses of all
18 contributors who contributed an aggregate
19 amount of \$500 or more to that account during
20 the period beginning on the first day of the pre-
21 ceding calendar year and ending on the disclo-
22 sure date.

23 “(F) If the disbursements were paid out of
24 funds not described in subparagraph (E), the
25 names and addresses of all contributors who

1 contributed an aggregate amount of \$1,000 or
2 more to the organization or any related entity
3 (other than any amount paid for bona fide dues
4 charged for membership with the organization
5 or entity) during the period beginning on the
6 first day of the preceding calendar year and
7 ending on the disclosure date.

8 “(G) Whether or not any of the election-
9 eering communications involved is made in co-
10 ordination, cooperation, consultation, or concert
11 with, or at the request or suggestion of, any
12 candidate or any authorized committee, any po-
13 litical party or committee, or any agent of the
14 candidate, political party, or committee and if
15 so, the identification of any candidate, party,
16 committee, or agent involved.

17 “(H) The text of each of the electioneering
18 communications involved.

19 “(3) ELECTIONEERING COMMUNICATION.—For
20 purposes of this subsection—

21 “(A) IN GENERAL.—The term ‘election-
22 eering communication’ means any public com-
23 munication disseminated through mass media
24 which—

1 “(i) refers to a clearly identified can-
2 didate for Federal office (including an indi-
3 vidual who has formed an exploratory com-
4 mittee for such an election) by name,
5 image, or likeness, or which refers to the
6 political party of such candidate or indi-
7 vidual;

8 “(ii) is made (or scheduled to be
9 made) within—

10 “(I) 90 days before a general,
11 special, or runoff election for such
12 Federal office, or

13 “(II) 60 days before a primary or
14 preference election, or a convention or
15 caucus of a political party that has
16 authority to nominate a candidate, for
17 such Federal office, and

18 “(iii) is disseminated to an audience
19 which includes the electorate for such elec-
20 tion, convention, or caucus (or any portion
21 thereof).

22 “(B) EXCEPTIONS.—Such term does not
23 include any of the following communications:

24 “(i) Any communication appearing in
25 a news story, commentary, or editorial dis-

1 tributed through the facilities of any
2 broadcasting station, newspaper, magazine,
3 or other periodical publication, unless such
4 facilities are owned or controlled by any
5 political party, political committee, or can-
6 didate.

7 “(ii) Any communication designed to
8 encourage individuals to register to vote.

9 “(iii) Any voter guide presenting the
10 views or voting record of a candidate in a
11 manner which does not refer to or provide
12 any linkage with the sponsor’s views.

13 “(C) MASS MEDIA DEFINED.—In this
14 paragraph, the term ‘mass media’ means radio,
15 television, newspapers or other periodicals of
16 general circulation, billboards or other general
17 public advertisements, direct mailing or phone
18 bank to an audience of 500 or more, or the
19 Internet.

20 “(4) DISCLOSURE DATE.—For purposes of this
21 subsection, the term ‘disclosure date’ means—

22 “(A) the first date during any calendar
23 year by which a person has made disbursements
24 for electioneering communications aggregating
25 in excess of \$10,000; and

1 “(B) any other date during such calendar
 2 year by which a person has made disbursements
 3 for electioneering communications aggregating
 4 in excess of \$10,000 since the most recent dis-
 5 closure date for such calendar year.

6 “(5) CONTRACTS TO DISBURSE.—For purposes
 7 of this subsection, a person shall be treated as hav-
 8 ing made a disbursement if the person has con-
 9 tracted to make the disbursement.

10 “(6) COORDINATION WITH OTHER REQUIRE-
 11 MENTS.—Any requirement to report under this sub-
 12 section shall be in addition to any other reporting
 13 requirement under this Act.”

14 **SEC. 4. REQUIRING BROADCASTERS TO RETAIN AND MAKE**
 15 **AVAILABLE INFORMATION ON SPONSORS OF**
 16 **CERTAIN POLITICAL COMMUNICATIONS.**

17 Section 317 of the Communications Act of 1934 (47
 18 U.S.C. 317) is amended—

19 (1) by striking “radio station” each place it ap-
 20 pears and inserting “broadcast station”; and

21 (2) by adding at the end of subsection (a) the
 22 following new paragraph:

23 “(3)(A) Each person who provides a broadcast sta-
 24 tion with any communication described in subparagraph

1 (E) for broadcast shall provide the station with the fol-
2 lowing information:

3 “(i) If the person is an entity with officers or
4 directors, the name, address, and daytime telephone
5 number of such officers or directors.

6 “(ii) If the person is an entity without officers
7 or directors, the name, address, and daytime tele-
8 phone number of any person responsible for the
9 communication involved.

10 “(iii) The identification of each person who pro-
11 vided funds to the person during the calendar year
12 in an amount equal to or greater than \$1,000, to-
13 gether with the amount the person provided.

14 “(B) In addition to any other records required to be
15 kept under this subsection, each broadcast station which
16 broadcasts any communication described in subparagraph
17 (E) shall—

18 “(i) retain the information provided to the sta-
19 tion pursuant to subparagraph (A);

20 “(ii) if the station has a site on the Internet,
21 post such information on the site;

22 “(iii) provide the information described in
23 clause (i) or clause (ii) of subparagraph (A) upon re-
24 quest to any person by telephone, electronic mail, or
25 facsimile device; and

1 “(iv) in addition to the methods described in
2 clauses (ii) and (iii), make the information provided
3 to the station pursuant to subparagraph (A) avail-
4 able for public inspection through such other meth-
5 ods as the station considers appropriate.

6 “(C)(i) In addition to any other announcements re-
7 quired to be made under this subsection, each communica-
8 tion described in subparagraph (E) shall include, in a
9 clearly spoken manner, the following statement:
10 ‘ _____ is responsible for the content of this
11 advertisement.’ (with the blank to be filled in with the
12 name of each person responsible for the communication).
13 If transmitted through television, the statement shall also
14 appear in a clearly readable manner with a reasonable de-
15 gree of color contrast between the background and the
16 printed statement, for a period of at least 4 seconds.

17 “(ii) For purposes of clause (i)—

18 “(I) the person who provides the broadcast sta-
19 tion with the communication shall be deemed to be
20 a person responsible for the communication; and

21 “(II) if 3 or fewer persons provided a portion
22 of the funds used for the communication equal to or
23 greater than 90 percent of the total amount used,
24 each such person shall be deemed to be a person re-
25 sponsible for the communication.

1 “(D)(i) Any person who violates subparagraph (A) or
2 subparagraph (C) shall be subject to a civil money penalty
3 of not more than \$5,000 or the aggregate amount spent
4 on the communication involved (whichever is greater) for
5 each such violation.

6 “(ii) Any person who knowingly and willfully violates
7 subparagraph (A) or subparagraph (C) shall be subject
8 to a civil money penalty of not more than \$10,000 or 200
9 percent of the aggregate amount spent on the communica-
10 tion involved (whichever is greater) for each such violation.

11 “(iii) The Commission may refer a knowing and will-
12 ful violation of subparagraph (A) or subparagraph (C) to
13 the Attorney General, who may bring a criminal action
14 against the person involved. If the person is convicted in
15 any such action, the person shall be fined not more than
16 \$25,000 or 300 percent of the aggregate amount spent
17 on the communication involved (whichever is greater) for
18 each such violation, imprisoned for not more than one
19 year, or both.

20 “(E)(i) A communication described in this subpara-
21 graph is any communication which mentions a clearly
22 identified candidate for election for Federal office (includ-
23 ing any individual who has formed an exploratory com-
24 mittee for such election) or the political party of such a
25 candidate, or which contains the likeness of such a can-

1 didate, (other than a payment which would be described
 2 in clause (i), (iii), or (v) of section 301(9)(B) of the Fed-
 3 eral Election Campaign Act of 1971 if the payment were
 4 an expenditure under such section).

5 “(ii) In clause (i), the term ‘Federal office’ has the
 6 meaning given such term in section 301(3) of the Federal
 7 Election Campaign Act of 1971.

8 “(F) This paragraph does not apply with respect to
 9 a communication if (prior to spending funds on the com-
 10 munication) the person providing the communication to
 11 the broadcast station has not spent an aggregate amount
 12 or value of \$10,000 or more on all such communications
 13 during the calendar year involved.

14 “(G) This paragraph shall apply with respect to a
 15 video programmer and a multi-channel video program dis-
 16 tributor in the same manner as it applies to a broadcast
 17 station.”.

18 **SEC. 5. DISCLOSURE OF CERTAIN EXEMPT ACTIVITY BY**
 19 **CORPORATIONS AND LABOR ORGANIZA-**
 20 **TIONS.**

21 (a) STATEMENTS OF DISBURSEMENTS FOR EXEMPT
 22 ACTIVITIES.—

23 (1) IN GENERAL.—Section 316 of the Federal
 24 Election Campaign Act of 1971 (2 U.S.C. 441b) is

1 amended by adding at the end the following new
2 subsection:

3 “(c)(1) Each corporation and labor organization
4 which makes an aggregate amount of disbursements in ex-
5 cess of \$50,000 during a calendar year for activities de-
6 scribed in subparagraphs (A), (B), and (C) of subsection
7 (b)(2) (except as provided in paragraph (3)) shall file a
8 statement with the Commission containing the following
9 information with respect to the reporting period involved:

10 “(A) The aggregate amount of disburse-
11 ments made.

12 “(B) The name and address of the person
13 or entity to whom a disbursement is made in an
14 aggregate amount in excess of \$200.

15 “(C) The date made, amount, and purpose
16 of the disbursement.

17 “(D) If applicable, whether the disburse-
18 ment was in support of, or in opposition to, a
19 candidate or a political party, and the name of
20 the candidate or the political party.

21 “(E) Such other information regarding the
22 disbursements as the Commission may pre-
23 scribe.

24 “(2) The statements required to be filed under this
25 subsection shall be filed—

1 “(A) on a monthly basis as described in
2 section 304(a)(4)(B); or

3 “(B) in the case of disbursements which
4 are made within 20 days of an election, within
5 48 hours after the disbursements are made.

6 “(3) For purposes of this subsection, the activities
7 described in subparagraph (A) do not include any activity
8 with respect to a communication which does not contain
9 an expression of support for or opposition to a candidate
10 for Federal office or a political party.”.

11 (2) CONFORMING AMENDMENT.—Section
12 301(9)(B)(iii) of such Act (2 U.S.C. 431(9)(B)(iii))
13 is amended by striking “, except that” and all that
14 follows through “general election”.

15 (b) DISCLOSURE OF FEDERAL POLITICAL ACTIVITY
16 TO MEMBERS AND SHAREHOLDERS.—Section 316 of such
17 Act (2 U.S.C. 441b), as amended by subsection (a), is fur-
18 ther amended by adding at the end the following new sub-
19 section:

20 “(d)(1) Not later than 60 days after the end of each
21 calendar year, each labor organization described in this
22 section shall provide each of its members and each other
23 person who pays dues to the organization with a notice
24 containing the aggregate amount of disbursements made

1 by the organization for Federal political activities during
2 the year.

3 “(2) Not later than 60 days after the end of each
4 calendar year, each corporation described in this section
5 shall provide each of its shareholders with a notice con-
6 taining the aggregate amount of disbursements made by
7 the corporation for Federal political activities during the
8 year.

9 “(3) In this subsection, the term ‘Federal political ac-
10 tivity’ means any activity carried out for the purpose of
11 influencing (in whole or in part) any election for Federal
12 office, influencing the consideration or outcome of any
13 Federal legislation or the issuance or outcome of any Fed-
14 eral regulations, or educating individuals about candidates
15 for election for Federal office or any Federal legislation,
16 law, or regulations.”.

17 **SEC. 6. DISCLOSURE BY STATE PARTIES OF INFORMATION**
18 **REPORTED UNDER STATE OR LOCAL LAW.**

19 Section 304 of the Federal Election Campaign Act
20 of 1971 (2 U.S.C. 434), as amended by section 3, is fur-
21 ther amended by adding at the end the following new sub-
22 section:

23 “(e) If a political committee of a State political party
24 is required under a State or local law, rule, or regulation
25 to submit a report on its disbursements to an entity of

1 the State or local government, the committee shall file a
 2 copy of the report with the Commission at the time it sub-
 3 mits the report to such an entity.”.

4 **SEC. 7. DISCLOSURE OF RECEIPTS AND DISBURSEMENTS**
 5 **FROM NONFEDERAL ACCOUNTS OF FEDERAL**
 6 **COMMITTEES AND CANDIDATES.**

7 (a) REPORTING OF RECEIPTS AND DISBURSEMENTS
 8 FOR NONFEDERAL ACTIVITIES.—Section 304(b) of the
 9 Federal Election Campaign Act of 1971 (2 U.S.C. 434(b))
 10 is amended—

11 (1) by striking “and” at the end of paragraph
 12 (7);

13 (2) by striking the period at the end of para-
 14 graph (8) and inserting a semicolon; and

15 (3) by adding at the end the following new
 16 paragraphs:

17 “(9) in the case of a political committee other
 18 than an authorized committee, for both the reporting
 19 period and the calendar year, the receipts and dis-
 20 bursements of any account of the committee whose
 21 funds are used for purposes which are not otherwise
 22 subject to the limitations, prohibitions, and reporting
 23 requirements of this Act; and

1 “(10) in the case of an authorized committee of
2 a candidate for Federal office, for both the reporting
3 period and the election cycle—

4 “(A) the receipts and disbursements of any
5 accounts of the committee whose funds are used
6 for purposes which are not otherwise subject to
7 the limitations, prohibitions, and reporting re-
8 quirements of this Act, and

9 “(B) the receipts and disbursements of any
10 organization under the direction or control of
11 the committee or of the candidate or office-
12 holder the committee supports which provides
13 financial or other support for any Federal,
14 State, or local political party, for any candidate
15 for election for State or local office, or for the
16 dissemination of any electioneering communica-
17 tion (as defined in section 304(d)(3)).”.

18 (b) INFORMATION ON STATEMENT OF ORGANIZA-
19 TION.—Section 303(b) of such Act (2 U.S.C. 433(b)) is
20 amended—

21 (1) in paragraph (2), by striking the semicolon
22 at the end and inserting the following: “, including
23 any organization under the direction or control of
24 the committee or of the candidate or officeholder the
25 committee supports which provides financial or other

1 support for any Federal, State, or local political
 2 party, for any candidate for election for State or
 3 local office, or for the dissemination of any election-
 4 eering communication (as defined in section
 5 304(d)(3));” and

6 (2) in paragraph (3), by striking the semicolon
 7 at the end and inserting the following: “, together
 8 with a description (including the name, address, and
 9 position of the custodian) of any accounts of the
 10 committee whose funds are not otherwise subject to
 11 the limitations, prohibitions, and reporting require-
 12 ments of this Act;”.

13 **SEC. 8. DISCLOSURE AND REPORTS OF PUSH POLLS AND**
 14 **PHONE BANKS.**

15 Title III of the Federal Election Campaign Act of
 16 1971 (2 U.S.C. 431 et seq.) is amended by adding at the
 17 end the following new section:

18 “DISCLOSURE AND REPORTS RELATING TO POLLING BY
 19 TELEPHONE OR ELECTRONIC DEVICE

20 “SEC. 323. (a) IN GENERAL.—Any person who con-
 21 ducts a Federal election poll by telephone or electronic de-
 22 vice shall disclose to each respondent the identity of the
 23 person paying the expenses of the poll. The disclosure
 24 shall be made at the end of the interview involved.

25 “(b) REPORTS.—In the case of any Federal election
 26 poll by telephone or electronic device—

9 “(c) DEFINITION.—As used in this section, the term
10 ‘Federal election poll’ means a survey—

14 “(2) in which more than 500 households are
15 surveyed.”.

(a) REPORTING.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by striking the semicolon at the end and inserting the following: “, and, if such person in turn makes expenditures which aggregate \$5,000 or more in an election cycle to other persons (not including employees) who provide goods or services to the candidate or the candidate’s authorized committees, the name and address

1 of such other persons, together with the date, amount, and
2 purpose of such expenditures;”.

3 (b) RECORD KEEPING.—Section 302 of such Act (2
4 U.S.C. 432) is amended by adding at the end the following
5 new subsection:

6 “(j) A person described in section 304(b)(5)(A) who
7 makes expenditures which aggregate \$5,000 or more in
8 an election cycle to other persons (not including employ-
9 ees) who provide goods or services to a candidate or a can-
10 didate’s authorized committees shall provide to a political
11 committee the information necessary to enable the com-
12 mittee to report the information described in such sec-
13 tion.”.

14 (c) NO EFFECT ON OTHER REPORTS.—Nothing in
15 the amendments made by this section may be construed
16 to affect the terms of any other recordkeeping or reporting
17 requirements applicable to candidates or political commit-
18 tees under title III of the Federal Election Campaign Act
19 of 1971.

20 **SEC. 10. 48-HOUR DEADLINE FOR DISCLOSURE OF CON-**
21 **TRIBUTIONS RECEIVED DURING 90-DAY PE-**
22 **RIOD PRECEDING GENERAL ELECTION.**

23 Section 304(a) of the Federal Election Campaign Act
24 of 1971 (2 U.S.C. 434(a)) is amended by adding at the
25 end the following new paragraph:

1 “(12)(A) Notwithstanding any other provision of this
2 Act, each political committee which receives a contribution
3 in an amount equal to or greater than \$500 during the
4 period which begins on the 90th day before a general elec-
5 tion for Federal office and ends at the time the polls close
6 for such election (determined without regard to any day
7 preceding the primary election, convention, or caucus for
8 the selection of the candidates for such general election)
9 shall, with respect to any information required to be filed
10 with the Commission under this section with respect to
11 such contribution, file and preserve the information using
12 electronic mail, the Internet, or such other method of in-
13 stantaneous transmission as the Commission may permit,
14 and shall file the information within 48 hours after the
15 receipt of the contribution.

16 “(B) The Commission shall make the information
17 filed under this paragraph available on the Internet imme-
18 diately upon receipt.”.

19 **SEC. 11. IDENTIFICATION OF REGISTERED LOBBYISTS AND**
20 **FOREIGN AGENTS.**

21 Section 301(13)(A) of the Federal Election Cam-
22 paign Act of 1971 (2 U.S.C. 431(13)(A)) is amended by
23 inserting after “employer” the following: “and a statement
24 as to whether the individual is registered as a lobbyist
25 under the Lobbying Disclosure Act of 1995 or registered

1 as the agent of a foreign principal under the Foreign
2 Agents Registration Act of 1938”.

3 **SEC. 12. EFFECTIVE DATE.**

4 The amendments made by this Act shall apply with
5 respect to elections occurring after December 31, 2000.

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